IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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O R D E R

Manoj Kumar
VS
Rajasthan University & Anr.

S.B. CIVIL WRIT PETITION NO.2223/2006
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : October 10th , 2007

PRESENT

HON'BLE MR. JUSTICE PRAKASH TATIA

Ms.Rekha Borana, for the petitioner.
Mr.Sanjay Mathur, for the respondent.

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BY THE COURT:

The writ petition was heard on different dates in view of the fact that because of the certain contentions of the petitioner raised during argument, the respondent sought time to look into the relevant rules because of the reason that according to petitioner, the petitioner's result was wrongly withheld by the respondent-university of the Second Year MBA Course. The petitioner's contention was that in case, the result of the petitioner would have been declared in time and even if the petitioner would have failed then petitioner would have

opportunity to apply for re-valuation of marks or to appear in the supplementary examination. When the respondent disclosed some facts, then petitioner came to know that he failed in securing aggregate marks in MBA Part-II Examination and, therefore, petitioner cannot get any substantial relief in this writ petition as he cannot be declared passed. The petitioner, thereafter, submitted that petitioner was entitled to grace marks and as per learned counsel for the petitioner, the petitioner was entitled to 1% of aggregate marks "prescribed for examination" whereas according to respondent-university, the petitioner could have been awarded marks of "1% of maximum marks of a paper". Ultimately, it was admitted by the petitioner that even if the maximum marks to the extent of 1% of aggregate marks for the purpose of examination are awarded even then the petitioner's marks will be short and petitioner cannot be declared passed in MBA Part-II Examination.

In view of the above position, learned counsel for the petitioner submitted that

petitioner can be permitted to re-appear in the examination of MBA Part-II.

It is another example of University's not dealing properly with the student. The petitioner's result was withheld without any rhyme and reason by the respondent-university and was not declared by the university in spite of the fact that notices were issued by this Court of the writ petition of the petitioner. By this, the respondent-university failed to decide the matter at their level even in a period of almost more than one year The petitioner, therefore, deprived to appear in the examination of the next year.

The respondent failed to show any rule by which the petitioner now cannot appear in the MBA Part-II Examination.

Therefore, the writ petition of the petitioner is allowed. The respondent-university is directed to declare the result of the petitioner of MBA Part-II Examination forthwith and allow the petitioner to take

examination of MBA Part-II in the year 2008 and for that purpose, if necessary, the petitioner may be allowed to attend all the classes of MBA Part-II.

(PRAKASH TATIA), J.

c.p.goyal/-